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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
| 10/553,350 | 10/30/2006 | Masahiro Shioi | 1152-0327PUS1 | 2089 |
| 2292 7590 06/01/2009 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747 | | | | |
| EXAMINER | | | | |
| RICE, ELISA M | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 2624 | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/553,350

Applicant(s)

SHIOI ET AL.

Examiner

ELISA M. RICE

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

Response to Amendment

Applicant's amendments filed on 2/25/2009 have been received and entered. Claims 1 and 8 are pending.

Response to Arguments

Applicant's arguments with respect to claim 1 has been considered but are moot in view of the new ground(s) of rejection. Applicant's arguments are directed to the newly added limitations and are addressed in the Office Action below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swift et al. (US 2002/0122585 A1) in view of Taylor et al. (6,084,978) and Osaka et al. (6,023,277).

Regarding claim 1, Swift discloses an image file creating apparatus for creating a 3-dimensional image file from a plurality of images corresponding to a plurality of viewpoints onto a recording medium by using a 2-dimensional image file format, and for enabling the image file

to be judged by an image file reproducing apparatus as to whether the image file is a 3-dimensional image file and to be reproduced in the image file reproducing apparatus, comprising:

an image integrating unit that integrates a plurality of viewpoint images into one image by placing them at predetermined positions (Swift, Fig. 6, Recombine scaled left and right Media 508); an information creating unit that creates 3-dimensional image control information by formatting a 3-dimensional image characteristic including the placement of individual viewpoint images in the integrated image display (Swift, script, Fig. 10);

a file creating unit that formats a 3-dimensional image file including the integrated image and the 3-dimensional image control information, and a 2-dimensional image file created from one viewpoint image selected from the plurality of viewpoint images in the integrated image (Swift, paragraph 54; Swift, Fig. 10);

Swift does not explicitly disclose a deciding unit that decides a filename of an image file and a directory under which the image file are stored; and that records those image files into a recording medium in accordance with a decision result of the deciding unit wherein the deciding unit decides the filename and the directory in such a manner that if a 2-dimensional image file and a 3-dimensional image file are created based on the same plurality of viewpoint images, then the 2-dimensional image file and 3-dimensional image file have the same filename and different extensions, and the 2-dimensional image file and 3-dimensional image file

created in the file creating means are stored in a common directory together or one of the 2-dimensional image file and 3-dimensional image file created in the file creating means is stored in one directory and the other image file is stored in another directory that is under said one directory.

Taylor teaches a deciding unit that decides a filename of an image file and a directory under which the image file are stored; and that records those image files into a recording medium in accordance with a decision result of the deciding unit (Taylor, column 3, lines 61-65).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Swift reference to disclose a deciding unit that decides a filename of an image file and a directory under which the image file are stored and that records image files into a recording medium in accordance with a decision result of the deciding unit as taught by Taylor in order that "the images are linked through an appropriate directory structure 150 which will allow the images to be stored and retrieved in a systematic fashion" (Taylor, column 6, lines 31-33).

The combination of Swift and Taylor does not teach wherein that if a 2-dimensional image file and a 3-dimensional image file are created based on the same plurality of viewpoint images, then the 2-dimensional image file and 3-dimensional image file have the same filename and different extensions and the 2-dimensional image file and 3-dimensional image file created in the file creating means are stored in a common directory together or one of the 2-dimensional image file

and 3-dimensional image file created in the file creating means is stored in one directory and the other image file is stored in another directory that is under said one directory.

Osaka teaches wherein that if a 2-dimensional image file and a 3-dimensional image file are created based on the same plurality of viewpoint images, then the 2-dimensional image file and 3-dimensional image file have the same filename and different extensions (Osaka, column 16, lines 37-41) and while the combination of Swift, Taylor, and Osaka does not explicitly disclose that the 2-dimensional image file and 3-dimensional image file created in the file creating means are stored in a common directory together, it would be obvious to modify the combination of Swift, Taylor, and Osaka to include the 2-dimensional image file and 3-dimensional image file created in the file creating means are stored in a common directory together considering the fact they represent the same set of images because it is well known in the art of electronic file management that is advantageous to group files with similar properties in a common directory.

Regarding claim 8, the combination of Swift, Taylor, and Osaka discloses the image file creating apparatus according to claim 1, wherein the deciding unit decides the extension of the 3-dimensional image file in such a manner that the extension of the 3-dimensional image file is made to be one that is different from those based on extension naming rules based on image file format standards for files made up of the one-viewpoint image (Osaka, column 16, lines 37-41) and that in an apparatus which can not handle the 3-dimensional image file, the extension is not recognized as one for files which can be handled (if the stereo image display program cannot handle the 3-D image file, it will not recognize the extension as one for files which can be

handled. The stereo image display program will treat the file as being unidentified when an unknown extension is used.)

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ELISA M. RICE whose telephone number is (571)270-1582. The examiner can normally be reached on 12:00-8:30p.m. EST Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Werner can be reached on (571)272-7401. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Elisa M Rice/
Examiner, Art Unit 2624

/Brian P. Werner/
Supervisory Patent Examiner, Art Unit 2624